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WYNDHAM WORLDWIDE CORPORATION,
WYNDHAM RESORT DEVELOPMENT CORPORATION,
WYNDHAM VACATION OWNERSHIP, INC.,
WYNDHAM VACATION RESORTS, INC., and
WORLDMARK BY WYNDHAM

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENINE CANNATA, CAROLYN
DAVIS, JOAN E. LEWIS, SHEILA A.
RHODES, JOELLEN SUTHERLAND,
ELIZABETH ATKINSON, KAREN
BANKS, PATRICIA CALVIN, CONNIE
POST, CARLA RAINS, and LORI WILK,

Plaintiffs,

vs.

WYNDHAM WORLDWIDE
CORPORATION, a Delaware corporation;
WYNDHAM RESORT DEVELOPMENT
CORPORATION, an Oregon corporation
doing business in Clark County as
WORLDMARK BY WYNDHAM;
WYNDHAM VACATION OWNERSHIP,
INC., a Delaware corporation;
WYNDHAM VACATION RESORTS,
INC., a Delaware corporation;
WORLDMARK BY WYNDHAM; and
JAMES FRIEDMAN, an individual;
DOES, I through X and ROE BUSINESS
ENTITIES, I through X, inclusive,

Defendants.

Case No.

**NOTICE TO FEDERAL COURT OF
REMOVAL OF CIVIL ACTION FROM
STATE COURT PURSUANT TO 28 U.S.C.
SECTIONS 1331, 1441 (b) AND 1446**

(FEDERAL QUESTION)

TO THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN that WYNDHAM WORLDWIDE CORPORATION, WYNDHAM RESORT DEVELOPMENT CORPORATION d/b/a WORLDMARK BY WYNDHAM, WYNDHAM VACATION OWNERSHIP, INC., WYNDHAM VACATION RESORTS, INC., and WORLDMARK BY WYNDHAM¹ (hereafter collectively referred to as “Defendants Wyndham”), hereby remove the above-entitled action from the Eighth Judicial District Court in and for the County of Clark to the United States District Court in and for the District of Nevada pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. This removal is based upon federal question jurisdiction and is timely. Defendant James Friedman has also been served and agrees to removal in this matter. See **Exhibit “1”**. In support of this notice of removal, Defendants Wyndham state to the Court as follows:

1. On November 10, 2009, an action was commenced in the Eighth Judicial District Court of Clark County, Nevada, entitled *Genine Cannata, et. al. v. Wyndham Worldwide Corporation, et. al*, designated as Case No. A-09-603355-C. A copy of the Complaint is attached hereto as **Exhibit “2”**.

2. WYNDHAM RESORT DEVELOPMENT CORPORATION d/b/a WORLDMARK BY WYNDHAM received proper copies of the Summons & Complaint on January 4, 2010, when its registered agent was served. Copies of the Summonses and Notices of Service of Process are attached hereto as **Exhibit “3”**. Accordingly, this Notice of Removal is being filed within thirty (30) days after receipt by Defendants of the initial pleading and is timely filed pursuant to 28 U.S.C. Section 1446(b).

3. WYNDHAM VACATION RESORTS, INC. received a proper copy of the Summons & Complaint on January 4, 2010, when its registered agent was served. Copies of the Summons and Notice of Service of Process are attached hereto as **Exhibit “4”**.

4. WYNDHAM WORLDWIDE CORPORATION received a proper copy of the Summons & Complaint on January 7, 2010, when its registered agent was served. Copies of the Summons and Notice of Service of Process are attached hereto as **Exhibit “5”**.

¹ Although Plaintiffs have named WorldMark by Wyndham as a separate Defendant in this matter, this entity is the same as Wyndham Resort Development Corporation d/b/a WorldMark by Wyndham, already named as a Defendant in this lawsuit.

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b), in that it is a civil action arising under the Constitution, laws, or treaties of the United States. Specifically, Plaintiffs' fourth, fifth, and sixth causes of action are for alleged violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* Plaintiff Lori Wilk's eighth cause of action is for the alleged violation of the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621, *et seq.*

6. Venue is proper in this Court as this is the court for the district and division embracing the place where the action is pending in state court. 28 U.S.C. §§ 108 and 1441(a).

WHEREFORE, the Defendants Wyndham, with agreement and joinder by Defendant James Friedman, pray that the above-referenced action now pending against them in the Eighth Judicial District Court of the State of Nevada in and for the County of Clark be removed therefrom to this Court.

Dated: January 19, 2010.

LITTLER MENDELSON

By: 

PATRICK H. HICKS, ESQ.
BRUCE C. YOUNG, ESQ.
DEBORAH L. WESTBROOK, ESQ.

Attorneys for Defendants

WYNDHAM WORLDWIDE CORPORATION,
WYNDHAM RESORT DEVELOPMENT
CORPORATION, WYNDHAM VACATION
OWNERSHIP, INC., WYNDHAM VACATION
RESORTS, INC., & WORLDMARK BY
WYNDHAM

CERTIFICATE OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169. On January 19, 2010, I served the within document(s): **NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION FROM STATE COURT:**

☒ By serving the following parties electronically through CM/ECF as set forth below.

☐ by facsimile transmission at or about _____ on that date. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) served are as set forth below.

☐ by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Las Vegas, Nevada addressed as set forth below.

☐ by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.

**Kathleen J. England
Jocelyn A. Cortez
England Law Office
630 South Third Street
Las Vegas, NV 89101**

**Patrick N. Chapin, Esq.
Patrick N. Chapin, Ltd.
129 Cassia Way
Henderson, Nevada 89104**

Attorneys for Plaintiffs

Attorney for Defendant Friedman

I am readily familiar with the firm's practice of collecting and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 19, 2010, at Las Vegas, Nevada.


MARIBEL RODRIGUEZ

Firmwide: 93374436.1 041582.2028

EXHIBIT “1”

EXHIBIT “1”

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Attorneys for Defendants
JAMES FRIEDMAN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENINE CANNATA, CAROLYN
DAVIS, JOAN E. LEWIS, SHEILA A.
RHODES, JOELLEN SUTHERLAND,
ELIZABETH ATKINSON, KAREN
BANKS, PATRICIA CALVIN, CONNIE
POST, CARLA RAINS, and LORI WILK,

Plaintiffs,

vs.

WYNDHAM WORLDWIDE
CORPORATION, a Delaware corporation;
WYNDHAM RESORT DEVELOPMENT
CORPORATION, an Oregon corporation
doing business in Clark County as
WORLDMARK BY WYNDHAM;
WYNDHAM VACATION OWNERSHIP,
INC., a Delaware corporation;
WYNDHAM VACATION RESORTS,
INC., a Delaware corporation;
WORLDMARK BY WYNDHAM; and
JAMES FRIEDMAN, an individual;
DOES, I through X and ROE BUSINESS
ENTITIES, I through X, inclusive,

Defendants.

Case No.

**DEFENDANT JAMES FRIEDMAN'S
JOINER IN NOTICE OF REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
SECTIONS 1331, 1441(b) AND 1446**

(FEDERAL QUESTION)

Defendant JAMES FRIEDMAN, by and through his undersigned counsel, hereby joins in the
Notice of Removal to this Court of the state court action described in the Notice of Removal filed by
Defendants WYNDHAM WORLDWIDE CORPORATION, WYNDHAM RESORT

1 DEVELOPMENT CORPORATION, WORLDMARK BY WYNDHAM, WYNDHAM
2 VACATION OWNERSHIP, INC., WYNDHAM VACATION RESORTS, INC. AND
3 WORLDMARK BY WYNDHAM ("Defendants Wyndham").

4 Dated: January 14, 2010.

6 PATRICK N. CHAPIN, LTD.

8 By: 

9 PATRICK N. CHAPIN, ESQ
10 Attorneys for Defendants
11 JAMES FRIEDMAN
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EXHIBIT “2”

EXHIBIT “2”

ORIGINAL**FILED**

NOV 10 2009

Clerk of Court
CLERK OF COURT

1 **COMP**
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 3 Kathleen J. England, Nevada Bar No. 206
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8 **EIGHTH JUDICIAL DISTRICT COURT**
 9 **CLARK COUNTY, NEVADA**

A-09-003355-C
516416

11 **GENINE CANNATA, CAROLYN**
 12 **DAVIS, JOAN E. LEWIS, SHEILA A.**
 13 **RHODES, JOELLEN SUTHERLAND,**
 14 **ELIZABETH ATKINSON, KAREN**
 15 **BANKS, PATRICIA CALVIN, CONNIE**
 16 **POST, CARLA RAINS, and LORI WILK**

17 **PLAINTIFFS,**
 18 **v.**

A-09603355-C
 CASE NO. XVII
 DEPT. NO.

19 **WYNDHAM WORLDWIDE CORPORATION,**
 20 **a Delaware corporation; WYNDHAM RESORT**
 21 **DEVELOPMENT CORPORATION, an Oregon**
 22 **corporation doing business in Clark County as**
 23 **WORLDMARK BY WYNDHAM; WYNDHAM**
 24 **VACATION OWNERSHIP, INC., a Delaware**
 25 **corporation; WYNDHAM VACATION RESORTS,**
 26 **INC., a Delaware corporation; WORLDMARK BY**
 27 **WYNDHAM; and JAMES FRIEDMAN, an**
 28 **individual; DOES, I through X and ROE BUSINESS**
 29 **ENTITIES, I through X, inclusive**

COMPLAINT

JURY TRIAL
DEMANDED

30 **DEFENDANTS.**

31 **COMPLAINT**

32 **I. NATURE OF ACTION**

33 1. Plaintiffs Genine Cannata, Carolyn Davis, Joan E. Lewis, Sheila A. Rhodes,
 34 JoEllen Sutherland, Elizabeth Atkinson, Karen Banks, Patricia Calvin, Connie Post, Carla
 35 Rains and Lori Wilk (collectively "Plaintiffs") bring this action against Defendants

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 CLERK OF THE COURT

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1 Wyndham Worldwide Corporation, a Delaware corporation; Wyndham Resort
2 Development Corporation, an Oregon corporation and doing business in Clark County as
3 WorldMark By Wyndham; Wyndham Vacation Ownership, Inc., a Delaware corporation,
4 Wyndham Vacation Resorts, Inc., a Delaware corporation; WorldMark by Wyndham
5 (collectively, "WorldMark," "Company," or "Corporate Defendants"); James Friedman,
6 an individual ("Defendant Friedman"); DOE Defendants, I-X and ROE DEFENDANT
7 BUSINESS ENTITIES, I-X (collectively Defendants"). Plaintiffs seek damages for the
8 gender and age discrimination, sexual harassment, hostile work environment, retaliation
9 and other tortious conduct that they have experienced at the workplace.

10 2. The Plaintiffs are former employees, all female, of WorldMark, one of the
11 world's largest hospitality companies, which operates in the lodging, vacation
12 exchange/rental and vacation ownership segments of the hospitality industry.

13 3. As more further detailed below, WorldMark has subjected Plaintiffs to
14 systemic employment discrimination based on their gender which includes, but is not
15 limited to: being forced to work in a hostile work environment resulting from severe or
16 pervasive sexual harassment in the workplace; sexual harassment; discriminatory
17 policies, practices and/or procedures in pay, promotion and advancement; verbal abuse;
18 physical assault; retaliation; and other manifestations of gender discrimination.

19 4. Additionally, WorldMark has subjected Plaintiff Lori Wilk to illegal
20 employment discrimination based on her age.

21 5. WorldMark's management is largely male-dominated. WorldMark
22 management has permitted a norm of sexual interaction between female employees and
23 their male supervisors which is common knowledge at WorldMark and has become an
24 expectation imposed on female employees – an expectation Plaintiffs have refused to
25 meet, to their detriment.

26 6. Upon information and belief, male managers frequently ogle at and touch
27 female employees' buttocks, breasts and legs. These assaults and batteries are neither
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1 rare nor happenstance, but occur with such regularity that they have become routine.

2 7. Upon information and belief, WorldMark male managers frequently tell
3 female employees what they would like to do sexually, using crude and demeaning
4 language.

5 8. Upon information and belief, WorldMark's male managers regularly demand
6 sexual favors from female employees and solicit female employees for sex.

7 9. Upon information and belief, WorldMark made personal phone numbers
8 available to managerial-level employees. In this manner, male managers were able to
9 harass female employees after hours and at home.

10 10. WorldMark knew or should have known that members of management were
11 "repeat harassers" who were given unfettered authority and opportunity to subject
12 numerous female employees to severe or pervasive forms of sexual harassment.

13 11. Upon information and belief, WorldMark also effectively bars females from
14 better pay and more prestigious and higher paying positions which have traditionally
15 been held by male employees. The systemic means of accomplishing such gender
16 stratification includes, but are not limited to: WorldMark's evaluation, promotion and
17 assignment policies, practices and/or procedures.

18 12. Upon information and belief, WorldMark male managers pressure female
19 Sales Representatives to wear inappropriately short, tight and low-cut clothing to work
20 and imply that sexually provocative attire is necessary for them to succeed at WorldMark.

21 13. Upon information and belief, WorldMark male managers impose upon their
22 female employees a reward system whereby those who consent to or tolerate the male
23 managers' inappropriate sexual behavior are rewarded with plum assignments and more
24 assistance in meeting their professional goals; those who do not succumb to their male
25 managers' wishes are denied such opportunities. This practice restricts female
26 employees' ability to meet their professional goals and directly impacts their
27 compensation.
28

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1 14. Upon information and belief, WorldMark has failed to institute a consistent,
2 across-the board evaluation process by which all sales employees could be fairly
3 evaluated. Rather, WorldMark employed a haphazard, unregulated system that allowed
4 management to rate its employees in a discriminatory fashion, without any notice and
5 without any guidelines. As a result, women who were not considered attractive enough
6 or who otherwise did not succumb to sexual pressure from their male managers were
7 given lower performance ratings, thereby resulting in lower compensation than women
8 who did succumb to this pressure.

9 15. WorldMark failed to prevent or remedy gender and age discrimination,
10 sexual harassment and retaliation.

11 16. WorldMark failed to properly educate its managers or to implement and
12 enforce policies and procedures that would adequately prevent or assuage instances of
13 harassment, retaliation, and gender and age discrimination. Once made aware that
14 managers had engaged in wrongful conduct, Defendants failed to take the legally
15 required prompt, effective remedial action.

16 17. Plaintiffs are requesting damages under a variety of state and federal statutes
17 prohibiting discrimination in order to secure protection from WorldMark's discriminatory
18 acts and to redress the deprivation of their rights under employment laws and related tort
19 claims.

20 **II. JURISDICTION AND VENUE**

21 18. Jurisdiction in this case is proper pursuant to N.R.S. § 14.065, Title VII of
22 the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), *et seq.*, as amended ("Title VII"), and
23 the Age Discrimination in Employment Act of 1967, 29 USC §621, *et seq.* ("ADEA").

24 19. Venue in this Court is proper because the injuries sustained by Plaintiffs, as
25 well as the acts and omissions of Defendants, occurred in Clark County, Nevada, and
26 because Defendants have offices in and regularly transact business in Clark County,
27 Nevada.

1 **III. CONDITIONS PRECEDENT TO SUIT UNDER TITLE VII AND NEV. REV.**
 2 **STAT. 613.330**

3 20. The Plaintiffs have fulfilled all conditions precedent to the institution of this
 4 action under the laws of the State of Nevada and federal law. Plaintiffs each have filed
 5 appropriate charges of sexual harassment, gender and/or age discrimination, and/or
 6 retaliation with the Equal Employment Opportunity Commission ("EEOC"); each
 7 Plaintiff has received a "Right to Sue" letter.

8 **IV. PARTIES**

9 **A. Plaintiffs**

10 21. Plaintiff Genine Cannata is a resident of Clark County, Nevada. From
 11 February 2007 to August 2008, Ms. Cannata was employed by WorldMark as Kitchen
 12 Staff, In-House Marketing OPC Resort Host and In-House Assistant to the
 13 Administrative Assistant at the WorldMark by Wyndham Las Vegas Resort (the "Las
 14 Vegas Resort"). On August 4, 2008, Ms. Cannata filed a formal charge with the EEOC,
 15 alleging gender discrimination, sexual harassment, hostile work environment and
 16 retaliation. From August 2008 to November 2008, Ms. Cannata was employed by
 17 WorldMark as a Phone Sales Representative at the WorldMark off-site facility in
 18 Woodland Hills, California. On or about November 20, 2008, Ms. Cannata was
 19 terminated in retaliation for filing her EEOC charge. On December 29, 2008, Ms.
 20 Cannata filed a Supplemental EEOC charge, alleging that she was fired in retaliation for
 21 filing an EEOC charge. She received a Right to Sue letter from the EEOC on October
 22 29, 2009.

23 22. Plaintiff Carolyn (Kelly) Davis is a resident of Clark County, Nevada.
 24 From January 2007 to March 2008, Ms. Davis was employed by WorldMark as a Sales
 25 Representative at the Las Vegas Resort. In March 2008, she transferred to the
 26 WorldMark Las Vegas adjunct and off-site facility ("Off-Site Facility"), seeking reprieve
 27 from the hostile work environment she was subjected to at the Las Vegas Resort. On or
 28

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1 about May 13, 2008, WorldMark terminated Ms. Davis' employment in retaliation for
2 complaining about gender discrimination at WorldMark. On August 20, 2008, Ms. Davis
3 filed a formal charge with the EEOC, alleging gender discrimination, sexual harassment,
4 hostile work environment and retaliation. On December 29, 2008, Ms. Davis filed a
5 Supplemental EEOC charge. She received a Right to Sue letter from the EEOC on
6 October 29, 2009.

7 23. **Plaintiff Joan E. Lewis** is a resident of Clark County, Nevada. From 2003
8 to 2004, Ms. Lewis was employed by TrendWest, Inc. (now Wyndham Resort
9 Development Corporation) as a Sales Representative in Lynnwood, Washington, and then
10 from March 2006 to August 2008, Ms. Lewis was employed by WorldMark as a Sales
11 Representative at the Las Vegas Resort. On August 4, 2008, Ms. Lewis filed a formal
12 charge with the EEOC, alleging gender discrimination, sexual harassment, hostile work
13 environment and retaliation. On August 8, 2008, Ms. Lewis was constructively
14 discharged by WorldMark. On December 29, 2008, Ms. Lewis filed a Supplemental
15 EEOC charge. She received a Right to Sue letter from the EEOC on October 29, 2009.

16 24. **Plaintiff Sheila A. Rhodes** is a resident of Clark County, Nevada. From
17 August 2007 to March 2009, Ms. Rhodes was employed by WorldMark as a Sales
18 Representative and a Customer Service Representative at the Las Vegas Resort. On
19 August 4, 2008, Ms. Rhodes filed a formal charge with the EEOC, alleging gender
20 discrimination, sexual harassment, hostile work environment and retaliation. On
21 December 29, 2008, Ms. Rhodes filed a Supplemental EEOC charge. On March 3, 2009,
22 Ms. Rhodes was terminated in retaliation for filing an EEOC charge of gender
23 discrimination and/or for complaining about gender discrimination at WorldMark. On
24 May 29, 2009, Ms. Rhodes amended her EEOC to add a charge of retaliation for her
25 termination. Ms. Rhodes received a Right to Sue letter from the EEOC on October 29,
26 2009. Ms. Rhodes is currently awaiting a right to sue letter on her latest charge of
27 retaliation.

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1 **25. Plaintiff JoEllen Sutherland** is a resident of Clark County, Nevada. From
2 June 2007 to July 2008, Ms. Sutherland was employed by WorldMark as a Sales
3 Representative at the Las Vegas Resort. On July 28, 2008, Ms. Sutherland was
4 constructively discharged by WorldMark. On August 4, 2008, Ms. Sutherland filed a
5 formal charge with the EEOC, alleging gender discrimination, sexual harassment, hostile
6 work environment and retaliation. On December 29, 2008, Ms. Sutherland filed a
7 Supplemental EEOC charge. She received a Right to Sue letter from the EEOC on
8 October 29, 2009.

9 **26. Plaintiff Elizabeth Atkinson** is a resident of Clark County, Nevada. From
10 December 2006 to March 2008, Ms. Atkinson was employed by WorldMark as a Sales
11 Representative at the Las Vegas Resort. In December 2007, as a result of the stress
12 caused by the sexual harassment and hostile work environment, Ms. Atkinson went on a
13 medical leave. On or about March 10, 2008, Ms. Atkinson was constructively discharged
14 by WorldMark. On December 29, 2008, Ms. Atkinson filed a formal charge with the
15 EEOC, alleging discrimination, sexual harassment and hostile work environment. On
16 January 8, 2009, Ms. Atkinson filed a Supplemental EEOC charge. She received a Right
17 to Sue letter from the EEOC on October 29, 2009.

18 **27. Plaintiff Karen Banks** is a resident of Clark County, Nevada. In May 2008,
19 Ms. Banks was recruited to work at the Las Vegas Resort as a Sales Manager. On July
20 17, 2008, after only six weeks on the job, Ms. Banks was terminated, and her position
21 was given to a male employee. On December 29, 2008, Ms. Banks filed a formal charge
22 with the EEOC, alleging gender discrimination, sexual harassment and hostile work
23 environment. She received a Right to Sue letter from the EEOC on October 29, 2009.

24 **28. Plaintiff Patricia Calvin** is a resident of Clark County, Nevada. From
25 August 2006 to April 2008, Ms. Calvin was employed by WorldMark as a Contract
26 Processor, a Marketing Analyst and an Executive Assistant at the Las Vegas Resort and
27 the WorldMark by Wyndham Corporate Office in Las Vegas, Nevada (the "Las Vegas
28

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1 Corporate Office"). On December 29, 2008, Ms. Calvin filed a formal charge with the
2 EEOC, alleging gender discrimination, sexual harassment, hostile work environment and
3 retaliation. On or about April 2, 2008, Ms. Calvin's employment was terminated in
4 retaliation for complaining about gender discrimination at WorldMark. On January 6,
5 2009, Ms. Calvin filed a Supplemental EEOC charge. She received a Right to Sue letter
6 from the EEOC on October 29, 2009.

7 29. **Plaintiff Connie Post** is a resident of Clark County, Nevada. From October
8 2006 to June 2007, Ms. Post was employed by WorldMark as a Sales Representative, a
9 Verification Loan Officer and a Sales Manager at the Las Vegas Resort. From March
10 2008 to October 2008, Ms. Post was employed by WorldMark as a Sales Manager and a
11 Sales Representative at the Las Vegas Resort. In October 2008, Ms. Post was terminated
12 in retaliation for complaining about gender discrimination at WorldMark. On December
13 29, 2008, Ms. Post filed a formal charge with the EEOC, alleging gender discrimination,
14 sexual harassment, hostile work environment and retaliation. She received a Right to Sue
15 letter from the EEOC on October 29, 2009.

16 30. **Plaintiff Carla Rains** is a resident of Clark County, Nevada. From March
17 2006 to February 2007, Ms. Rains was employed by WorldMark as a Sales Manager at
18 the Las Vegas Resort. From April 2008 to July 2008, Ms. Rains was employed by
19 WorldMark as a Manager-in-Training ("MIT") at the Off-Site Facility. From July 2008
20 to October 2008, Ms. Rains was employed by WorldMark as a Sales Representative at
21 the Las Vegas Resort. From October 2008 to March 2009, Ms. Rains was employed by
22 WorldMark as a Sales Manager at the Wyndham Vacation Grand Desert Resort located
23 in Las Vegas, Nevada ("Grand Desert Resort"). On December 29, 2008, Ms. Rains filed
24 a formal charge with the EEOC, alleging gender discrimination, sexual harassment and
25 hostile work environment. In March 2009, Ms. Rains was wrongfully terminated. She
26 received a Right to Sue letter from the EEOC on October 29, 2009.

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1 31. Plaintiff Lori Wilk is a resident of Clark County, Nevada. From
2 approximately March 2003 to March 2009, Ms. Wilk was employed by WorldMark as a
3 MIT, a Sales Manager, a Sales Representative, and a full- and part-time Podium Speaker
4 at the Las Vegas Resort. On December 29, 2008, Ms. Wilk filed a formal charge with the
5 EEOC, alleging gender discrimination, age discrimination, hostile work environment and
6 retaliation. From March 2009 to July 2009, Ms. Wilk was employed by WorldMark as a
7 Sales Representative and a part-time Podium Speaker at the Grand Desert Resort and
8 Harrah's Resorts. In July 2009, Ms. Wilk was wrongfully terminated. She received a
9 Right to Sue letter from the EEOC on October 29, 2009.

10 **B. Corporate Defendants**

11 32. Defendant Wyndham Worldwide Corporation ("Wyndham Worldwide")
12 is a Delaware corporation with its principal place of business in Parsippany, New Jersey.
13 Defendant Wyndham Worldwide has a significant presence in most major hospitality
14 markets globally and throughout the United States. Defendant Wyndham Worldwide
15 regularly transacts business in and has multiple facilities in the State of Nevada.
16 Defendant Wyndham Worldwide also qualifies as an employer under N.R.S. §
17 613.310(2).

18 33. Defendant Wyndham Worldwide offers lodging, vacation exchange/rental
19 and vacation ownership segments of the hospitality industry and touts more than 20
20 brands, including Wyndham Hotels and Resorts, Ramada, Days Inn, Super 8, Wyndham
21 Rewards®, RCI, Landal GreenParks, English Country Cottages, Novasol, Wyndham
22 Vacation Resorts (formerly Fairfield Resorts) and WorldMark by Wyndham (formerly
23 TrendWest Resorts). Upon information and belief, Defendant Wyndham Worldwide is
24 the parent company of the other named business entity Defendants. Because of the
25 complicated and often hidden interrelationships between and among the named
26 Defendant business entities and fictitious Defendant entities, the exact connection
27 between and among the Wyndham entities is not completely known at this time.
28

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1 Defendant Wyndham Worldwide has been named a Defendant in this lawsuit because,
2 upon information and belief, it employed at least some, if not all, of the Plaintiffs named
3 in this lawsuit at some point in time relevant to this suit.

4 **34. Defendant Wyndham Resort Development Corporation** ("Wyndham
5 Resort Development") is an Oregon corporation registered with the Nevada Secretary of
6 State as a foreign corporation. Defendant Wyndham Resort Development is registered
7 with the Clark County Business License department as doing business as "WorldMark by
8 Wyndham" (which is also a named Defendant in this lawsuit). Defendant Wyndham
9 Resort Development regularly transacts business in and has multiple facilities in the state
10 of Nevada. Defendant Wyndham Resort Development also qualifies as an employer
11 under N.R.S. § 613.310(2).

12 **35. Defendant Wyndham Resort Development** operates as a subsidiary of
13 Defendant Wyndham Worldwide and is believed to own and operate various resorts and
14 also develops, markets and sells vacation ownership programs in the United States,
15 Canada, Mexico and Fiji. Because of the complicated and often hidden interrelationships
16 between and among the named Defendant business entities and fictitious Defendant
17 entities, the exact connection between and among the Wyndham entities is not
18 completely known at this time. Defendant Wyndham Resort Development has been
19 named a Defendant in this lawsuit because, upon information and belief, it employed at
20 least some, if not all, of the Plaintiffs named in this lawsuit at some point in time relevant
21 to this suit.

22 **36. Defendant Wyndham Vacation Ownership, Inc.** ("Wyndham Vacation
23 Ownership") is a Delaware corporation registered with the Nevada Secretary of State as a
24 foreign corporation. Defendant Wyndham Vacation Ownership regularly transacts
25 business in and has multiple facilities in the State of Nevada. Additionally, Defendant
26 Wyndham Vacation Ownership is an employer under N.R.S. § 613.310(2).

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1 37. Defendant Wyndham Vacation Ownership engages in the marketing and
2 sales of vacation ownership interests, consumer financing in conjunction with the
3 purchase of vacation ownership interests, property management services to property
4 owners' associations and development and acquisition of vacation ownership resorts.
5 Defendant Wyndham Vacation Ownership touts itself to be the largest vacation
6 ownership business in the world. Defendant Wyndham Vacation Ownership is
7 headquartered in Orlando, Florida, and maintains a network of 140 properties, 20,000
8 individual units and over 800,000 property owners across North America, the Caribbean
9 and the South Pacific. Because of the complicated and often hidden interrelationships
10 between and among the named Defendant business entities and fictitious Defendant
11 entities, the exact connection between and among the Wyndham entities is not
12 completely known at this time. Defendant Wyndham Vacation Ownership has been
13 named a Defendant in this lawsuit because, upon information and belief, it employed at
14 least some, if not all, of the Plaintiffs named in this lawsuit at some point in time relevant
15 to this suit.

16 38. Defendant Wyndham Vacation Resorts, Inc. ("Wyndham Vacation
17 Resorts") is a Delaware corporation registered with the Nevada Secretary of State as a
18 foreign corporation. Defendant Wyndham Vacation Resorts is registered with the Clark
19 County Business License department as doing business as "time share developers/sellers"
20 as "Wyndham Vacation Resorts, Inc." Defendant Wyndham Vacation Resorts, Inc.
21 regularly transacts business in and has multiple facilities in the state of Nevada.
22 Defendant Wyndham Vacation Resorts is an employer under N.R.S. § 613.310(2).

23 39. Defendant Wyndham Vacation Resorts is believed to be part of Defendant
24 Wyndham Vacation Ownership and, upon information and belief, sells and finances
25 vacation ownership interests and develops vacation ownership resorts. Because of the
26 complicated and often hidden interrelationships between and among the named
27 Defendant business entities and fictitious Defendant entities, the exact connection
28

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1 between and among the Wyndham entities is not completely known at this time.
2 Defendant Wyndham Vacation Resorts has been named a Defendant in this lawsuit
3 because, upon information and belief, it employed at least some, if not all, of the
4 Plaintiffs named in this lawsuit at some point in time relevant to this suit.

5 40. Defendant WorldMark by Wyndham ("WorldMark by Wyndham") has
6 been registered with the Oregon Secretary of State as a business entity by registrant
7 Wyndham Resort Development Corporation. It is believed to be a wholly-owned
8 subsidiary of Defendant Wyndham Worldwide, as well as, a consumer brand.
9 "WorldMark by Wyndham" is also registered as "time share developers/sellers" with the
10 Clark County Business License department by Defendant Wyndham Resort
11 Development. Defendant WorldMark by Wyndham regularly transacts business in and
12 has multiple facilities in the state of Nevada. Defendant WorldMark by Wyndham is
13 believed to be an employer under N.R.S. § 613.310(2).

14 41. Defendant WorldMark by Wyndham operates as a vacation ownership
15 company allowing people to purchase a real estate interest in a Wyndham resort, similar
16 to a timeshare. Defendant WorldMark by Wyndham claims to be "the world's third-
17 largest vacation ownership program." Defendant WorldMark by Wyndham allows
18 customers access to any of its more than 60 resorts, including five that are located in
19 Nevada—Las Vegas, Las Vegas (Spencer), Reno, Tahoe (Stateline) and Tahoe (Zephyr
20 Cove). Because of the complicated and often hidden interrelationships between and
21 among the named Defendant business entities and fictitious Defendant entities, the exact
22 connection between and among the Wyndham entities is not completely known at this
23 time. Defendant WorldMark by Wyndham has been named a Defendant in this lawsuit
24 because, upon information and belief, it employed at least some, if not all, of the
25 Plaintiffs named in this lawsuit at some point in time relevant to this suit.

26 42. Defendants Wyndham Worldwide, Wyndham Resort Development,
27 Wyndham Vacation Ownership, Wyndham Vacation Resorts and WorldMark by
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1 Wyndham are collectively referred to herein as "WorldMark" or the "Corporate
2 Defendants."

3 **C. Individual Defendant James Friedman**

4 43. Defendant James Friedman ("Defendant Friedman"), at all times relevant
5 to the allegations herein, was a resident of Las Vegas, Nevada. Upon information and
6 belief, Defendant Friedman owns property in Palm Springs, California and Key West,
7 Florida.

8 44. Upon information and belief, beginning in early 2007, Defendant Friedman
9 was employed by one or more Corporate Defendants in various positions, including as
10 Project Director, Director of Sales and/or Vice-President of Sales of the Las Vegas
11 Region. Defendant Friedman worked, amongst other places, out of the Las Vegas Resort,
12 the Off-Site Facility and the Las Vegas Corporate Office, where he had a direct and/or
13 indirect supervisory role over each of the Plaintiffs.

14 45. Upon information and belief, Defendant Friedman was transferred to
15 California in late 2008, where he continued to work for various WorldMark-related
16 entities for approximately one year.

17 **D. DOE and ROE Defendants**

18 46. The exact nature of the interrelationship between and among the Wyndham
19 entities (including WorldMark by Wyndham) is unclear. At times, the Wyndham
20 entities, on a national and international basis, appear to use their names interchangeably
21 and on an inconsistent basis where one entity is sometimes presented to be part of the
22 Wyndham entities and, at other times, to represent all of the Wyndham entities.

23 47. DOE Defendants I-X are natural persons who own, operate or control the
24 named Defendant business entities. DOE Defendants I-X are also natural persons who
25 directed, assisted in or ratified the illegal actions of the named Defendants.

26 48. The ROE DEFENDANT BUSINESS ENTITIES, I-X directed, assisted in or
27 ratified the wrongful and illegal actions of the named Defendants. The ROE
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1 DEFENDANT BUSINESS ENTITIES, I-X are entities, including without limitation,
2 predecessors, successors, parent or subsidiary business entities, or other kinds of business
3 entities or organizations, which are related, connected to, control, or operate any of the
4 named Defendant business entities.

5 49. DOE and ROE Defendants are persons, entities, or organizations who
6 engaged in, oversaw, directed, ratified, or assisted in the wrongful actions against the
7 Plaintiffs along with the named Defendants, or who may be individual owners, officers,
8 agents, managers, or employees of any of the named Defendant business entities or the
9 DOE or ROE Defendants. DOE and ROE Defendants are agents, servants, employees,
10 employers, trade venturers, and/or partners of the named Defendants and the DOE and
11 ROE Defendants, and/or each other. At the time of the actions which form the basis of
12 this complaint, DOE and ROE Defendants were acting within the color, purpose and
13 scope of their relationships, and by reason of their relationships, Defendants (hereinafter
14 collectively referred to as "Defendants" and includes those who are named and those
15 sued as DOES and ROES) are jointly, severally and/or vicariously responsible and liable
16 for the acts and omissions of their co-Defendants.

17 50. The real names of DOE and ROE Defendants are unknown to the Plaintiffs at
18 this time because they were not fully privy to the complex interrelationship and
19 ownership status of the numerous corporations and business entities which seemed to be
20 operating together at times and separately at others. Plaintiffs are also not completely
21 privy to the hierarchical relationship between the named Defendants and DOE and ROE
22 Defendants.

23 51. Along with the named Defendants, these DOE and ROE Defendants also owe
24 a duty to Plaintiffs, which was breached. Therefore, they too are liable for the damages
25 and injuries which Plaintiffs sustained. Plaintiffs will seek leave to amend this complaint
26 and substitute the true names of the DOE and ROE Defendants as soon as the true
27 identities are revealed.

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1 **V. PLAINTIFFS' ALLEGATIONS**

2 **A. Genine Cannata**

3 52. Ms. Cannata brings suit to recover damages for: sexual harassment;
4 retaliation; assault; battery; invasion of privacy; intentional infliction of emotional
5 distress; negligent retention, supervision and training of supervisory and managerial
6 employees

7 53. Ms. Cannata was employed by WorldMark at the Las Vegas Resort as
8 Kitchen Staff, In-House Marketing OPC Resort Host and In-House Assistant to the
9 Administrative Assistant from February 2007 to August 2008. Ms. Cannata was
10 employed by WorldMark at the off-site facility in Woodland Hills, California, as a Phone
11 Sales Representative from August 2008 until November 20, 2008, when she was
12 wrongfully terminated.

13 54. Throughout her entire career with WorldMark, Ms. Cannata performed at or
14 above the expected levels of performance.

15 **Sexual Harassment/Hostile Work Environment**

16 55. Throughout her employment with WorldMark, Ms. Cannata was sexually
17 harassed on a routine basis and subjected to a hostile work environment.

18 56. In approximately March 2007, Ms. Cannata inquired about a promotion to
19 the Front-Line Department, to which Senior Sales Manager Carl Alfano ("Senior
20 Manager Alfano") responded by advising her that if she had sex with him, she could
21 avoid taking the test.

22 57. As Director of Sales, Defendant Friedman was one of Ms. Cannata's
23 supervisors. From that time forward, Defendant Friedman subjected Ms. Cannata to
24 numerous forms of sexual harassment. Defendant Friedman, a large, imposing man,
25 inappropriately touched and physically intimidated Ms. Cannata. Defendant Friedman
26 frequently made lewd comments to Ms. Cannata. He told her that he wanted to see her
27 naked; "exchange body fluids;" see her in her "thong;" give her "a good licking;" spend
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1 24 hours in bed with her; and have sex with her "on his desk" and "up the ass."
2 Defendant Friedman also told Ms. Cannata that he takes Viagra.

3 58. On more than one occasion, Defendant Friedman grabbed his crotch area and
4 told Ms. Cannata that he had a "hard-on." He also wiggled his tongue at her, grabbed her
5 buttocks, asked her to spend the night at his apartment and asked her to marry him. Over
6 time, Defendant Friedman became more adamant in his requests despite Ms. Cannata's
7 repeated requests that he stop.

8 59. On almost a daily basis, Defendant Friedman approached Ms. Cannata while
9 she was alone in the workplace and sexually harassed her. This occurred in various
10 places throughout the WorldMark workplace.

11 60. In approximately November 2007, Defendant Friedman told Ms. Cannata
12 that he would like her "pussy" and that he had never done a "cookie monster pussy" like
13 hers. On or about March 23, 2008, Defendant Friedman followed Ms. Cannata into the
14 kitchen at the Las Vegas Resort and told her, "You're not too bad for an old broad."
15 Defendant Friedman further told Ms. Cannata, "Show me your tits" several times, and
16 when she told him to stop, he walked away laughing.

17 61. Defendant Friedman's sexual harassment of Ms. Cannata was also physical.
18 In the spring of 2008, Ms. Cannata was sitting at her desk doing the morning paperwork
19 when she felt a hand going inside the back of her pants. Startled, Ms. Cannata turned
20 around and saw that it was Defendant Friedman. Defendant Friedman then laughed and
21 walked away. On or about March 29, 2008 and April 20, 2008, Defendant Friedman
22 inappropriately kissed Ms. Cannata in front of her co-workers. Ms. Cannata did not
23 consent to this kissing and, in fact, found it offensive and humiliating.

24 62. On or about April 2008, Defendant Friedman pressed himself up against Ms.
25 Cannata's backside and asked her to marry him on several occasions. Defendant
26 Friedman also told Ms. Cannata, "Let me see your ass."
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63. On or about May 5, 2008, Defendant Friedman called Ms. Cannata into his office, told her to close and lock the door, grabbed his crotch and said, "You know you want it." On May 31, 2008, Defendant Friedman asked to see Ms. Cannata in the hallway. While they were in the hallway, he asked Ms. Cannata if she had lost weight, told her that she looked "fucking hot," and told her that they should "get together."

64. On at least one occasion, Defendant Friedman attempted to contact Ms. Cannata by telephone on her personal phone during the late evening and early morning hours. When he did not reach her, Defendant Friedman left messages insisting that Ms. Cannata get together with him.

65. Ms. Cannata was also aware of Defendant Friedman's inappropriate behavior towards other female employees. On several occasions, Ms. Cannata overheard Defendant Friedman tell other male managers that a female Sales Representative was "hot." On other occasions, Ms. Cannata overheard Defendant Friedman make inappropriate comments to women concerning their appearance and/or weight.

66. Defendant Friedman's harassment of Ms. Cannata and other female employees was generally known by WorldMark management and employees. However, upon information and belief, no one at WorldMark disciplined or chastised Defendant Friedman for his conduct in any manner.

Retaliation

67. In early August 2008, Ms. Cannata transferred to the WorldMark off-site facility in Woodland Hills, California in order to remove herself from the hostile work environment at the Las Vegas Resort.

68. On August 4, 2008, Ms. Cannata filed a formal charge with the EEOC.

69. On November 20, 2008, the Director of Marketing at the Las Vegas Corporate Office, Mark Weaver ("Director Weaver"), attended a WorldMark meeting in Woodland Hills, California. Director Weaver knew Ms. Cannata from when she worked

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1 at the Las Vegas Resort, and it is believed that he knew about the EEOC charge she had
2 filed against WorldMark.

3 70. On information and belief, Ms. Cannata's new Manager, Derek Devers
4 ("Manager Devers"), also attended the November 20, 2008 meeting.

5 71. About an hour after Director Weaver left the meeting at Woodland Hills,
6 Manager Devers advised Ms. Cannata that she was being terminated for insufficient sales
7 numbers. When Ms. Cannata asked Manager Devers about the reasons for her
8 termination in light of her consistent sales numbers, he was unresponsive.

9 72. Ms. Cannata had not been apprised of any performance or disciplinary issues
10 at WorldMark at any time before her termination. In fact, Ms. Cannata was doing well at
11 the Woodland Hills site, and she regularly reached the Company goal of securing four
12 tours in a week. The week that she was terminated, she had just set a sales appointment.

13 73. On information and belief, Director Weaver told Manager Devers that Ms.
14 Cannata had filed an EEOC charge and instructed or suggested that Manager Devers
15 terminate Ms. Cannata's employment.

16 74. On information and belief, Manager Devers fired Ms. Cannata in retaliation
17 for her filing an EEOC charge.

18 75. On December 1, 2008, Ms. Cannata went to retrieve her final paycheck at
19 WorldMark. At that time, Manager Devers asked her to sign a disciplinary notice even
20 though she had never been disciplined. Ms. Cannata did not sign the notice.

21 **B. Carolyn Davis**

22 76. Ms. Davis brings suit to recover damages for: sexual harassment; gender
23 discrimination; retaliation; assault; battery; intentional infliction of emotional distress;
24 and negligent retention, supervision and training of supervisory and managerial
25 employees.

26 77. Ms. Davis was employed by WorldMark at the Las Vegas Resort as a Sales
27 Representative from January 2007 to March 2008. Ms. Davis was employed by
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1 WorldMark at the Off-Site Facility as a Sales Representative from March 2008 to May
2 13, 2008, when she was wrongfully terminated.

3 78. Ms. Davis has an extensive background in sales management. This
4 background lent itself to success at WorldMark. During her entire career with
5 WorldMark, Ms. Davis was a high performing Sales Representative. Upon information
6 and belief, by December 2007, Ms. Davis had the second highest sales results in the VIP
7 Front-Line Sales Department at the Las Vegas Resort.

8 **Sexual Harassment/Hostile Work Environment**

9 79. Throughout her employment with WorldMark, Ms. Davis was sexually
10 harassed on a routine basis and subjected to a hostile work environment.

11 80. Manager Dan Belchar ("Manager Belchar"), one of Ms. Davis' supervisors,
12 was among the WorldMark managers who subjected Ms. Davis to sexual harassment.

13 81. In March 2008, Manager Belchar often asked her to dance for him. On or
14 about April 13, 2008, Manager Belchar placed a water bottle on his lap and commented
15 using profanity that it was about the same size as his penis.

16 82. Ms. Davis also heard Manager Belchar tell a male Sales Representative who
17 was planning to follow a client home to pick up a check that he "should at least get a
18 blow job" while he was there.

19 83. Throughout her employment with WorldMark, Ms. Davis also heard other
20 male managers make sexual remarks about or to other female employees.

21 84. Ms. Davis often overheard and observed Senior Manager Alfano make
22 sexual advances towards young and new female employees. For example, on one
23 occasion, Ms. Davis overheard Senior Manager Alfano say to one young female employee
24 that if she needed anything to let him know because her good looks could take her far.

25 85. On several occasions, Ms. Davis heard other male managers make
26 inappropriate comments to female employees such as, "Those little puppies look perky
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